

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

BRADFORD MARSELAS JOHNSON and  
ERIC HENRY WOODBERRY,

Defendants.

No. CR18-49 RAJ

**ORDER CONTINUING TRIAL DATE**

This matter comes before the Court on Defendant Eric Henry Woodberry's March 29, 2019, oral motion to continue the trial date. The Court has considered the reasons for the motion, the non-objection of co-defendant Bradford Marselas Johnson and plaintiff the United States, and the files and records herein.

The Court finds that newly appointed counsel for Woodberry needs additional time to review discovery, investigate the case, review previously filed pretrial motions, determine whether any additional pretrial motions should be filed, and prepare for trial. Because new counsel was appointed, the failure to grant a continuance would deny defendant Woodberry the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would thus likely result in a miscarriage of justice.

1 Based on these findings, the Court concludes that the ends of justice served by a  
2 continuance outweigh the best interest of the public and Woodberry in a speedy trial. 18  
3 U.S.C. § 3161(h)(7)(A). The Court further concludes, with respect to Johnson, who is  
4 joined for trial with Woodberry and with respect to whom no severance motion has been  
5 granted or filed, that the continuance ordered herein is a reasonable period of delay. 18  
6 U.S.C. § 3161(h)(6).

7 The Court previously orally granted a continuance to June 17, 2019, contingent on  
8 the government confirming the availability of its witnesses. The government has since  
9 confirmed that all of its witnesses except for one are available for a June 17, 2019, trial  
10 date. Because the parties have agreed to take the testimony of that witness via remote  
11 video if necessary, the Court confirms the trial date of June 17, 2019.

12 Therefore, it is hereby ORDERED that Woodberry's motion to continue the trial  
13 date is GRANTED. The trial is continued for both defendants to June 17, 2019. With  
14 respect to Woodberry only, a new pretrial motions cut-off date is set for May 13, 2019.

15 It is further ORDERED that the time from the date the motion was made until the  
16 new trial date of June 17, 2019, shall be excluded in counting time within which trial of  
17 this case must commence pursuant to 18 U.S.C. § 3161.

18 DATED this 11th day of April, 2019.

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21 The Honorable Richard A. Jones  
22 United States District Judge  
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